

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

2012 SEP 13 AM 11:28

SOUTHERN DISTRICT  
OF INDIANA  
LACRISIA BURNS  
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ROBERT CHENAULT and LANA CHENAULT, )

Plaintiffs, )

v. )

CIVIL ACTION NO. \_\_\_\_\_

JAMES GORIS, M.D., DEACONESS )  
HOSPITAL, INC., d/b/a DEACONESS )  
GATEWAY HOSPITAL, and ORTHOPAEDIC )  
ASSOCIATES, INC., )

Defendants. )

**3 : 12 -cv- 0144 RLY -WGH**

COMPLAINT FOR DAMAGES

Plaintiffs Robert Chenault and Lana Chenault, by counsel, for their complaint for damages against defendants James Goris, M.D., Deaconess Hospital, Inc., d/b/a Deaconess Gateway Hospital (hereinafter "Deaconess"), and Orthopaedic Associates, Inc., allege and state that:

1. Robert Chenault and Lana Chenault are lawfully married.
2. Defendants James Goris, M.D., Deaconess, and Orthopaedic Associates, Inc., are qualified health care providers under Indiana's Medical Malpractice Act.
3. Plaintiffs Robert and Lana Chenault are citizens of the State of Kentucky. James Goris, M.D., is a citizen of the State of Indiana. Defendants Deaconess and Orthopaedic Associates, Inc., are incorporated in the State of Indiana with their respective principal place of business in the State of Indiana. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.

4. Pursuant to Indiana law, this claim was presented to a medical review panel which issued an opinion on or about July 3, 2012. A copy of the opinion as it relates to these defendants is attached as Exhibit A.

5. Between March 3, 2008 and March 27, 2008, Robert Chenault was under the care and treatment of James Goris, M.D.; Deaconess, by its agents and employees; and Orthopaedic Associates, Inc., by its agents and employees.

6. The defendants' care and treatment of Robert Chenault was substandard.

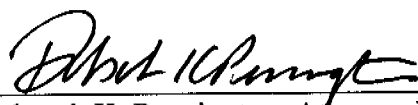
7. As a direct and proximate result of the substandard care by James Goris, M.D.; Deaconess, by its agents and employees; and Orthopaedic Associates, Inc., by its agents and employees, Robert Chenault suffered damages including, but not limited to, injury and impairment; kidney failure; additional medical, hospital and other expenses; and emotional distress.

8. As a direct and proximate result of the substandard care by James Goris, M.D.; Deaconess, by its agents and employees; and Orthopaedic Associates, Inc., by its agents and employees, Lana Chenault suffered damages including, but not limited to, incurring hospital, medical and other expenses on behalf of her husband Robert Chenault, emotional distress, and impairment of those rights and privileges known as consortium.

WHEREFORE, Plaintiffs Robert Chenault and Lana Chenault, by counsel, respectfully pray for damages in an amount which will fully and fairly compensate them for their injuries and damages, for the costs of this action, trial by jury, and for all other just and proper relief.

Respectfully Submitted,

GARAU GERMANO HANLEY & PENNINGTON, P.C.

A handwritten signature in black ink, appearing to read "Deborah K. Pennington", written over a horizontal line.

Deborah K. Pennington, Attorney No. 6559-36

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